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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRIAN BORENSTEIN, an individual,  
Plaintiff,  
vs.  
THE ANIMAL FOUNDATION, et al.,  
Defendants

Case No.: 2:19-cv-00985-CDS-NJK

**MOTION FOR EXTENSION OF TIME TO  
FILE REPLY IN SUPPORT OF MOTION  
TO CALCULATE EXPENSES, PURSUANT  
TO COURT ORDER [360]**

**(FIRST REQUEST)**

27 COMES NOW Plaintiff, Brian Borenstein, by and through his counsel, Raelene K. Palmer, Esq.  
28 of The Palmer Law Firm, P.C., Robert S. Melcic, Esq., and Richard E. Retamar, Esq. of Retamar &

1 Millian, P.A., and hereby moves for an enlargement of time to file his *Reply in Support of Motion to*  
2 *Calculate Expenses, Pursuant to Court Order [360]*, in the above-referenced matter. This motion is  
3 brought with the following *Memorandum of Points and Authorities*, the papers and pleadings on file in  
4 this case, and any further briefing or oral argument requested from the Court.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION**

7 Plaintiff is seeking a one-day extension of time to file his *Reply in Support of Motion to*  
8 *Calculate Expenses, Pursuant to Court Order [360]*.

9 **II. RELEVANT PROCEDURAL HISTORY**

10 Plaintiff filed a *Motion to Calculate Expenses, Pursuant to Court Order [360]*, on September 9,  
11 2023. (ECF No. 367). TAF and Attorney Lipman filed their *Opposition*, on October 4, 2023. (ECF No.  
12 367). Plaintiff's deadline to file his *Reply* is October 11, 2023.

13 **III. LEGAL ANALYSIS**

14 Federal Rule of Civil Procedure 6(b)(1)(A) provides in pertinent part:

15 (b) EXTENDING TIME.

16 (1) *In General.* When an act may or must be done  
17 within a specified time the court may, for good cause,  
extend the time:

18 (A) with or without motion or notice if the court  
19 acts, or if a request is made, before the original time  
20 or its extension expires;

21 Fed. R. Civ. P. 6(b)(1)(A). Plaintiff seeks a one-day extension of time to file a third amended  
22 complaint.

23 **A. Plaintiff Has Good Cause for an Extension of Time.**

24 Plaintiff's counsel did not anticipate needing an extension of time, but on this date, Plaintiff  
25 attended an evening church function, which took approximately three hours of time that would have  
26 been spent completing the brief. Plaintiff anticipates that his *Reply* will be filed before the Court opens  
27 on October 11, 2023. See Ex 1 – Declaration of Raelene K. Palmer, Esq.

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1           **IV. CONCLUSION**

2           Based on the foregoing, Plaintiff respectfully requests the Court to grant him a one-day  
3 extension of time to file his *Reply*, from October 11, 2023, to October 12, 2023. This request is not  
4 made for purposes of undue delay.

5           Dated this 11th day of October 2023.

THE PALMER LAW FIRM, P.C.

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8           RAELENE K. PALMER, Esq.  
9           Nevada Bar No. 8602  
10          6605 Grand Montecito Pkwy  
11          Suite 100  
12          (702) 952-9533  
13          *Attorney for Plaintiff Brian Borenstein*

14           **ORDER**

15           IT IS SO ORDERED.

16           DATED: October 12, 2023.

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19           UNITED STATES MAGISTRATE JUDGE